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Attorneys for Defendant NVIDIA CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, PA,

Plaintiff,

vs.

NVIDIA CORPORATION,

Defendant.

Case No. C 09-2046 CW

**DEFENDANT NVIDIA CORPORATION'S
NOTICE OF MOTION AND
ADMINISTRATIVE MOTION PURSUANT
TO CIVIL LOCAL RULES 7-11 AND 79-5
TO FILE UNDER SEAL CONFIDENTIAL
MATERIALS**

NVIDIA CORPORATION,

Counter-claimant,

vs.

NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, PA,

Counter-defendant.

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that pursuant to Civil Local Rules 7-11 and 79-5, defendant
3 NVIDIA Corporation ("NVIDIA") will and hereby does move the Court for an Order granting
4 leave for NVIDIA to file a sealed version of Defendant and Counter-Claimant NVIDIA
5 Corporation's Answer to Complaint; Counter-claim.

6 This motion is based upon this notice and memorandum of points and authorities, the
7 accompanying Declaration of Amanda D. Hairston, and upon such further information as may be
8 adduced upon the hearing of the motion.

9 **MEMORANDUM OF POINTS AND AUTHORITIES**

10 This action arises out of an insurance coverage dispute between the parties. In its
11 Complaint and Motion to Expedite Discovery, National Union referenced confidential
12 information including draft and final settlement agreements with specific NVIDIA customers, the
13 identity of specific NVIDIA products, and various claims related materials. As NVIDIA has
14 informed National Union, this information is highly confidential and is potentially damaging to
15 NVIDIA with respect to other pending litigation. *See* Doc. No. 19 at 2:26-28, 3:1-4. The Court
16 agreed to seal the Complaint and Motion to Expedite Discovery on these grounds. *See* Doc. No.
17 22. As a result, NVIDIA's Answer and Counter-claim also contains references to the confidential
18 information raised by National Union in its Complaint and Motion to Expedite Discovery, which
19 were sealed by this Court. To avoid any prejudice to NVIDIA, NVIDIA respectfully requests this
20 Court grant the accompanying Motion for Administrative Relief and permit the filing of a sealed
21 version of Defendant and Counter-Claimant NVIDIA Corporation's Answer to Complaint;
22 Counter-claim.

23 This request has been narrowly tailored to seal only that material for which good cause to
24 seal has been established and NVIDIA will file a public redacted version of Defendant and
25 Counter-Claimant NVIDIA Corporation's Answer to Complaint; Counter-claim. Pursuant to
26 Civil Local Rule 79-5, NVIDIA will provisionally lodge under seal a copy of Defendant and
27 Counter-Claimant NVIDIA Corporation's Answer to Complaint; Counter-claim. A Proposed
28 Order has been filed and served herewith.

1 If the Court denies the relief requested, NVIDIA requests that its brief be deemed filed
2 *nunc pro tunc* on September 4, 2009, the date the documents were provisionally lodged under
3 seal.

4 Respectfully submitted,

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6 DATED: September 8, 2009

FARELLA BRAUN & MARTEL LLP

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8 By: /s/ Amanda D. Hairston
9 Amanda D. Hairston

10 Attorneys for Defendant
11 NVIDIA CORPORATION
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